

# **EXHIBIT**

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<p>1 A. Yes.</p> <p>2 Q. What were those programs?</p> <p>3 A. Housing is restricted to enrolled students, I would 4 characterize that as an academic program. Many of the 5 programs that report to me have an academic requirement 6 that students be enrolled to participate, including many of 7 our international student programs, student organizations 8 have a rule that you have to be an enrolled student to be 9 an official of a club or organization. We have program 10 rules for Graham Health Center, who can and cannot use the 11 Graham Health Center. Those would be examples.</p> <p>12 Q. And what do you consider an academic program?</p> <p>13 A. I consider an academic program one that is focused on the 14 purpose of moving students toward an academic degree, 15 achievement of an academic degree.</p> <p>16 Q. How does housing move them toward achieving an academic 17 degree?</p> <p>18 A. The services and programs are there in housing to 19 re-enforce the serious and focused requirements that will 20 move a student in the direction and influence them to 21 achieve an academic degree.</p> <p>22 Q. Do you know what percentage of students attending Oakland 23 University are commuter students?</p> <p>24 A. The number is approximately, in the freshman year 25 approximately --</p>	<p>1 the university provides?</p> <p>2 A. A service that the university provides would include 3 recreation services, programs of the Oakland Center, 4 lectures, programs that, counseling perhaps. Those would 5 be examples of services.</p> <p>6 Q. What responsibilities do you have in relation to the 7 academic programs that you have responsibilities over?</p> <p>8 A. I oversee admissions, which is directly related to the 9 academic enterprise, financial aid as directly related to 10 student's ability to stay in the academic enterprise, 11 housing, disabled student services. We do call that a 12 service, but it is restricted to students. We are 13 complimenting in the career area what's going on in the 14 classroom, I oversee that aspect, trying to prepare 15 students alongside their classroom experience to prepare 16 them for their first jobs.</p> <p>17 Q. So persons attending the university but are not working 18 towards a degree or certificate, is just students 19 continuing education program, are they, do they have 20 available to them the disability support services 21 department?</p> <p>22 A. No, they do not.</p> <p>23 Q. So if an individual was auditing a class let's say, and 24 they were blind and needed the book in braille, that 25 service would not be provided, or that accommodation would</p>
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<p>1 MR. BOONIN: Regularly enrolled students you're 2 talking about?</p> <p>3 MR. DAVIS: Yes, regularly enrolled students.</p> <p>4 A. Approximately eighty-five percent.</p> <p>5 Q. (Continuing by Mr. Davis:) Just to be clear. Like in any 6 given academic semester, what percentage of the student 7 body is commuter students, do you know?</p> <p>8 A. Eighty-five, ninety percent.</p> <p>9 Q. If they're moving toward achieving an academic goal or 10 degree and outcome, correct, the commuting students?</p> <p>11 A. Many are engaged in programs that lead, they're enrolled 12 and courses that lead to a degree.</p> <p>13 Q. So I guess I'm trying to understand how housing is an 14 academic program at least, or is involved in the academic 15 aspect of the university?</p> <p>16 A. How do you define academic?</p> <p>17 Q. You're the one who said that housing is an academic 18 program. I'm trying to understand what you consider an 19 academic program?</p> <p>20 A. It's an enriched environment with programs and services 21 that are designed specifically to keep the student focused 22 on their degree objectives.</p> <p>23 Q. Okay. So it's not a service that the university provides?</p> <p>24 A. No, it's an experience.</p> <p>25 Q. It's an experience. What would you consider a service that</p>	<p>1 not be provided to them?</p> <p>2 A. I am not sure of that. Not to my recollection, I don't 3 know whether they are or not.</p> <p>4 Q. If again an individual is auditing a class, not working 5 towards a degree, if they were wheelchair bound, and needed 6 an accessible classroom or something, would that be 7 something that would be accommodated through disability 8 support services?</p> <p>9 A. A student who is in continuing education auditing a class?</p> <p>10 Q. A person who's auditing a class, not working towards a 11 degree, I don't know if you considered them a student or 12 not?</p> <p>13 A. We do not, we do not serve through our accommodation 14 process individuals who aren't enrolled in a regular degree 15 program who haven't been admitted.</p> <p>16 Q. What if they are in continuing education program working 17 towards a certificate?</p> <p>18 A. I don't know the answer to that question.</p> <p>19 Q. Are they considered students if they're enrolled in 20 continuing education department but are only working 21 towards a certificate?</p> <p>22 A. No, they are not considered an enrolled student.</p> <p>23 Q. Are you aware that the continuing education department 24 offers a number of certificate courses in its curriculum?</p> <p>25 A. I am not familiar with all of the options that the academic</p>

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- 1 A. Yes, they are given to them in a handbook.  
 2 Q. Do they have to sign acknowledging it?  
 3 A. I can't answer for sure whether they sign something.  
 4 Q. Go ahead.  
 5 A. I vaguely recall a statement, but I don't know if they  
 6 still operate according to that procedure, that they sign  
 7 off on a statement that they agree to abide by them.  
 8 Q. Was there any concerns that because Micah had difficulty  
 9 with reading and writing that he would not be able to  
 10 understand the rules and responsibilities of living in  
 11 campus housing?  
 12 A. That would be a concern that was expressed between  
 13 Mr. Maten and myself.  
 14 Q. Did you ask Micah about his ability to understand the rules  
 15 and responsibilities of living on campus?  
 16 A. I did not ask Micah.  
 17 Q. Did you look into the possibility of, re-ask that question.  
 18 Are there students that, who are entered in degree  
 19 programs that have accommodations regarding rules and  
 20 policies? And by that I mean, let's say you have a student  
 21 that was blind, a student that is enrolled in the  
 22 university, working towards a degree. Are such rules and  
 23 regulations provided to them either in braille, or maybe by  
 24 having someone read them to them and them acknowledging  
 25 them verbally?

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- 1 A. That would be an accommodation that we would make for a  
 2 student who qualified for admission.  
 3 Q. Was that ever considered as a possibility in Micah's  
 4 situation?  
 5 A. No.  
 6 Q. Why not?  
 7 A. Because he wasn't enrolled at the university and not been  
 8 admitted.  
 9 Q. The enrollment in the university as a matriculating  
 10 student, re-ask this question.  
 11 What is Micah's enrollment status with the university?  
 12 A. As I understand it, he's in a continuing ed program.  
 13 Q. Is he a student at the university?  
 14 A. Not according to the official definition of what a student  
 15 is.  
 16 Q. Is he a participant in a university program?  
 17 A. He is a participant in a university program.  
 18 Q. Participant in the university academic program?  
 19 A. I would say no, according to what the common knowledge of  
 20 an academic program is.  
 21 Q. Is he a participant in an activity of the university?  
 22 A. Yes.  
 23 Q. And the OPTIONS Program would be an activity of the  
 24 university?  
 25 A. Yes, it would be.

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- 1 Q. Would waving this rule about being enrolled in the  
 2 university as a matriculating student, waving that housing  
 3 condition for eligibility, would that change or alter the  
 4 nature of the housing program?  
 5 A. Yes, it would.  
 6 Q. How so?  
 7 A. You would have individuals living in housing who have a  
 8 very different purpose for being there than for what  
 9 housing is designed for.  
 10 Q. How would their purpose be different?  
 11 A. Their purpose would be different because they would not be  
 12 continuously enrolled in courses that are important to  
 13 their degree aspirations. They would have very different  
 14 needs for services. It would be hard to say for anybody  
 15 that wasn't a student what their requirements would be.  
 16 Right now we designed the programs and services to keep  
 17 students focused on achieving the academic degree.  
 18 Q. Options students have requirements to attend a certain  
 19 number of course each semester; is that correct?  
 20 A. That's my understanding.  
 21 Q. So you checked into this when you were reviewing it, is  
 22 that what you found when you were reviewing this?  
 23 A. I saw the proposal for what was being thought about the  
 24 components of the program. I don't know firsthand what is  
 25 actually required.

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- 1 Q. Okay. Would it have affected your decision to know that  
 2 they are to maintain a certain number of credit hours each  
 3 semester at the university?  
 4 A. No, it would not.  
 5 Q. Why not?  
 6 A. Because I learned that they are not, they had not gone  
 7 through the admissions process, and been determined to meet  
 8 the requirements that allowed individuals to become a  
 9 degree for a candidate, or a candidate for a degree. I'm  
 10 sorry.  
 11 Q. If there had been a certificate offered for the OPTIONS  
 12 Program, would that have changed your decision?  
 13 A. No.  
 14 Q. Why not?  
 15 A. Because individuals who receive certificates aren't, to my  
 16 knowledge, an enrolled student in a degree program.  
 17 Q. What about the housing program, in terms of what it offers,  
 18 would be changed by allowing a person from the OPTIONS  
 19 Program to live in housing on campus?  
 20 A. The culture itself would change. You've got a culture with  
 21 undergraduates who all have the same goals, and that is to  
 22 move toward degree completion. Having individuals who  
 23 aren't of a similar mind set, who don't have that goal,  
 24 changes the nature of the program. And you would have  
 25 undergraduates in an environment with nonstudents, that

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1 could very much change the nature of how we interact with  
 2 the student, the individual. These could be program  
 3 participants in anything, and I can't imagine how families  
 4 would feel about having their degree seeking students  
 5 living next door to individuals who aren't degree seeking  
 6 students. It could change the entire nature of the  
 7 relationship between the university and the people in  
 8 housing to the point where it's, it's no longer an academic  
 9 program per se. You've got people there who could be  
 10 living across the street and, you know, old person's home,  
 11 you could have anybody there. You could have all kinds of  
 12 people living there if you open.

Q. But if you open it up to the OPTIONS Program students,  
 14 you're having students that, back up.

If you open it up to participants in the OPTIONS  
 16 Program who have gone through an application process to be  
 17 admitted to this university activity program, who are  
 18 required to attend a certain number, take a certain number  
 19 of credits each semester, wouldn't you say that  
 20 demonstrates a commitment to a participation in the  
 21 university's community?

A. I would say that housing is there to serve the interest of  
 23 the university in moving students through the pipeline to  
 24 get their degree, and OPTIONS students don't have that goal  
 25 and purpose when they --

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Q. The options --

A. -- are participants.

Q. -- participants aren't the same as someone coming in from  
 4 off the street and filing an application to live in housing  
 5 on campus, would you agree with that statement?

A. I would agree that they are, it's a unique program. So  
 7 there are other unique programs as well that the university  
 8 is associated with.

Q. If it's a unique program, could a unique rule be created  
 10 for this program?

A. I wouldn't want to oversee a presidential system where you  
 12 pick and choose which participates in unique programs live  
 13 in the residence halls.

Q. Would allowing the participants in the options program into  
 15 housing create any undo expense for the university to your  
 16 knowledge?

A. Having individuals who don't have degree aspirations in the  
 18 halls, in my professional judgment, puts the extra burden  
 19 on the student staff, and the halls, and the management of  
 20 the halls in general.

Q. You're talking about administrative burden?

A. Yes.

Q. I was going to ask that next. Since you brought it up,  
 24 what would be that, what do you see the extra  
 25 administrative burden that they would have to endure?

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1 A. I would question whether or not we would have, what kind of  
 2 rules and regulations would apply to those individuals who  
 3 are living there who aren't in a degree program. When we  
 4 have limited space on campus, we would have a whole set of  
 5 issues if the halls were opened to community members who  
 6 aren't enrolled.

7 Q. I'm talking specifically about OPTIONS Program  
 8 participants, what undo administrative expense?

9 A. Expense?

10 Q. What undo administrative burden are they going to create?

11 A. Just take an example, you have study floors, you've got  
 12 quiet hours, you've got all kind of rules that are designed  
 13 to work well and keep students who have serious degree  
 14 aspiration on task. And if you've got individuals, OPTIONS  
 15 or otherwise, who are not degree programs, student staff  
 16 wouldn't, they would have to have multiple sets of rules  
 17 and policies that would guide their interactions with these  
 18 different segments of the residential population.

19 Q. Could you give me a for instance?

20 A. Well, let's take quiet hours, that's a rule that student  
 21 staff enforce. Or let's limit it to that, and you've got  
 22 individuals there who really aren't getting graded in  
 23 classes, aren't taking classes, perhaps it's a group that  
 24 comes in for semester long seminar in the business school.  
 25 What the student staff would, they would constantly be

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1 trying to intervene I'm sure in situations where  
 2 nonstudents might choose not to follow the rules that apply  
 3 to the enrolled student population.

4 Q. What happens to students that don't follow the rules in the  
 5 dormitory?

6 A. The students that don't follow the rules in the dormitory  
 7 are potentially disciplined.

8 Q. They are Subject to discipline?

9 A. They're subject to a disciplinary process, which includes  
 10 expulsion from the halls or the university.

11 Q. So participants in the OPTIONS Program, if they were  
 12 allowed in, you've given me one example of undo burden to  
 13 the student housing monitors, or hall monitors, or what?

14 A. Residential assistants.

15 Q. Residential assistants, thank you. What other undo burdens  
 16 do you see for these residential assistants?

17 A. The residential assistants would, in trying to create  
 18 community, could they expect the nonenrolled students to be  
 19 integrated in the kinds of activities. They have floor  
 20 meetings, they have faculty coming into the halls talking  
 21 to the students. They try to get their entire floor there,  
 22 if they don't, now this is not a disciplinary situation,  
 23 but if the students don't come, the enrolled students, they  
 24 follow-up and say, you know, why didn't you come to the  
 25 enrolled, to the floor meeting. I can't imagine an

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